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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

T.A. and S.A., minors by and
through their Guardian ad Litem
JULIETTA CHURCHER;
ALBERTO HURTADO; LINDA
LEE STEELE;
ALEXANDER ARENAS; KRISTIN
ARENAS

Plaintiffs,

v.

CITY OF DOWNEY, DOES 1–10

Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. 42 U.S.C. § 1983 Fourth
Amendment—Excessive Force
2. 42 U.S.C. § 1983 Fourteenth
Amendment—Denial of Familial
Relationship
3. Battery
4. Negligence
5. Negligent Infliction of Emotional
Distress

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**

2 COME NOW Plaintiffs T.A. and S.A., minor children of Decedent Alberto
3 Arenas, by and through their Guardian ad Litem and mother Julietta
4 Churcher; ALBERTO HURTADO and LINDA LEE STEELE, parents of
5 Decedent Alberto Arenas; and ALEXANDER ARENAS and KRISTIN
6 ARENAS, siblings of Decedent Alberto Arenas, for their Complaint against
7 the CITY OF DOWNEY and DOE OFFICERS 1–10, and hereby allege as
8 follows:

9 **INTRODUCTION**

10 1. This civil rights action seeks compensatory damages for the
11 unlawful and fatal shooting of Alberto Nicolas Arenas by officers employed
12 by the City of Downey.

13 **THE PARTIES**

14 2. Decedent Alberto Arenas (“DECEDENT”) resided in Downey,
15 California at the time of his death.

16 3. Plaintiffs T.A. and S.A. are the minor children of DECEDENT
17 and bring this action by and through their Guardian ad Litem and mother,
18 Julietta Churcher, seeking damages individually and as successors-in-interest
19 pursuant to California Code of Civil Procedure § 377.60. Plaintiffs will file
20 declarations in compliance with California Code of Civil Procedure § 377.32.

21 4. Plaintiffs ALBERTO HURTADO and LINDA LEE STEELE are
22 the parents of DECEDENT and bring this action for wrongful death damages
23 under federal law.

24 5. Plaintiffs ALEXANDER ARENAS and KRISTIN ARENAS are
25 siblings of DECEDENT and bring claims individually for negligent infliction
26 of emotional distress.

27 6. Defendant CITY OF DOWNEY (“CITY”) is a public entity
28 organized under the laws of the State of California and is responsible for the

1 actions of its police officers, including DOE OFFICERS 1–10.

2 7. DOE OFFICERS 1–10 were, at all relevant times, officers
3 employed by the City of Downey, acting under color of law and within the
4 course and scope of their employment.

5 **JURISDICTION AND VENUE**

6 8. The Court has jurisdiction over Plaintiffs’ federal law claims
7 pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)–(4) because Plaintiffs assert
8 claims arising under the laws of the United States including 42 U.S.C. § 1983
9 and the Fourth and Fourteenth Amendments of the United States Constitution.
10 This Court has supplemental jurisdiction over Plaintiffs’ state law claims
11 pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the
12 federal claims that they form part of the same case or controversy under
13 Article III of the United States Constitution.

14 9. Venue in this judicial district is proper pursuant to 28 U.S.C. §
15 1391(b), because all incidents, events, and occurrences giving rise to this
16 action occurred within this district.

17 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

18 10. On or about June 29, 2024, at approximately 6:15 P.M., CITY
19 police officers attempted to approach DECEDENT at or near his residence at
20 or around the 7100 block of Stewart and Gray Road in Downey, California.

21 11. During this encounter, the involved officers fatally shot
22 DECEDENT.

23 12. At the time of the shooting, DECEDENT did not pose an
24 immediate threat of death or serious bodily injury to any person.

25 13. Following the shooting, the involved officers failed to timely
26 summon medical assistance and failed to provide timely medical aid to
27 DECEDENT.

28 14. As a result of the officers’ actions, DECEDENT suffered severe

1 pain and suffering and died.

2 15. Plaintiffs ALEXANDER ARENAS and KRISTIN ARENAS were
3 present at the scene and were contemporaneously aware of the officers'
4 actions and resulting injury to DECEDENT.

5 16. Plaintiffs filed timely claims for damages with the CITY on
6 August 20, 2024, pursuant to the California Government Claims Act.

7 **FIRST CLAIM FOR RELIEF**

8 **Fourth Amendment—Excessive Force (42 U.S.C. § 1983)**

9 (By Plaintiffs T.A. and S.A. against DOE OFFICERS)

10 17. Plaintiffs repeat and reallege each and every allegation in the
11 foregoing paragraphs as if fully set forth herein.

12 18. Plaintiffs T.A. and S.A. bring this claim in their capacity as the
13 successors-in-interest to Alberto Nicolas Arenas pursuant to California Code
14 of Civil Procedure § 377.60.

15 19. DOE OFFICERS 1–10 were, at all relevant times, acting within
16 the course and scope of their employment with Defendant CITY and under
17 color of state law.

18 20. The Fourth Amendment to the United States Constitution, as
19 incorporated against state actors by the Fourteenth Amendment, protects
20 individuals from the use of excessive and unreasonable force by law
21 enforcement officers.

22 21. On June 29, 2024, DOE OFFICERS used excessive and
23 unreasonable force against DECEDENT by fatally shooting him, despite the
24 fact that he did not pose an immediate threat of death or serious bodily injury
25 to anyone.

26 22. Upon information and belief, the officers further failed to
27 promptly summon or provide medical assistance to DECEDENT after the
28 shooting.

1 foregoing paragraphs as if fully set forth herein.

2 32. DOE OFFICERS, while acting within the scope of their
3 employment with the CITY, intentionally used physical force—including
4 deadly force—on DECEDENT.

5 33. DECEDENT did not pose an immediate threat of serious bodily
6 harm or death to anyone at the time force was used, and no warning was
7 provided prior to the use of lethal force.

8 34. The force used was not legally justified and constituted an
9 offensive and harmful contact.

10 35. Defendant CITY is vicariously liable for the conduct of DOE
11 OFFICERS under Cal. Gov't Code § 815.2.

12 36. Plaintiffs seek both survival and wrongful death damages under
13 this claim.

14 **FOURTH CLAIM FOR RELIEF**

15 **Negligence (Cal. Govt. Code § 820 and California Common Law)**

16 (By Plaintiffs T.A. and S.A. against DOE OFFICERS directly and CITY
17 vicariously)

18 37. Plaintiffs repeat and reallege each and every allegation in the
19 foregoing paragraphs as if fully set forth herein.

20 38. DOE OFFICERS owed DECEDENT a duty to act with reasonable
21 care, including the duty to avoid using unnecessary or excessive force, and to
22 provide or summon prompt medical attention.

23 39. DOE OFFICERS breached this duty by fatally shooting
24 DECEDENT under circumstances where he posed no immediate threat, and
25 by failing to render or request timely medical aid.

26 40. As a direct and proximate result of the officers' negligence,
27 DECEDENT suffered injury and death.

28 41. Defendant CITY is vicariously liable under Cal. Gov't Code §

1 815.2.

2 42. Plaintiffs seek both survival and wrongful death damages under
3 this claim.

4 **FIFTH CLAIM FOR RELIEF**

5 **Negligent Infliction of Emotional Distress**

6 (Plaintiffs ALEXANDER ARENAS, and KRISTIN ARENAS against DOE
7 OFFICERS directly and CITY vicariously)

8 43. Plaintiffs repeat and reallege each and every allegation in the
9 foregoing paragraphs as if fully set forth herein.

10 44. Plaintiffs Alexander Arenas and Kristin Arenas were present at
11 the scene of the fatal shooting of their brother, DECEDENT, and were
12 contemporaneously aware of the harm being inflicted upon him.

13 45. The conduct of DOE OFFICERS was negligent and unreasonable
14 under the circumstances, and it caused Plaintiffs severe emotional distress.

15 46. This emotional distress was serious and foreseeable given
16 Plaintiffs' close familial relationship to DECEDENT and their proximity to
17 the events as they occurred.

18 47. Defendant CITY is vicariously liable for these acts under Cal.
19 Gov't Code § 815.2.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs respectfully request that the Court enter judgment
22 in their favor and against Defendant CITY OF DOWNEY and DOE OFFICERS 1–
23 10, as follows:

- 24 1. For compensatory damages according to proof at trial, including both
25 survival damages and wrongful death damages under federal and state
26 law;
27 2. For funeral and burial expenses, and loss of financial support;
28 3. For loss of love, companionship, comfort, care, assistance, protection,

1 affection, society, and moral support

2 4. For statutory damages;

3 5. For damages for emotional distress suffered by Plaintiffs

4 ALEXANDER ARENAS and KRISTIN ARENAS as a result of
5 Defendants' negligent infliction of emotional distress;

6 6. For reasonable attorneys' fees including litigation expenses;

7 7. For costs of suit and interest incurred herein; and

8 8. For such other and further relief as the Court may deem just, proper,
9 and appropriate.

10
11 DATED: June 18, 2025

LAW OFFICES OF DALE K. GALIPO

12
13 By: /s/ Dale K. Galipo

14 Dale K. Galipo

15 *Attorney for Plaintiffs*
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DEMAND FOR JURY TRIAL

Plaintiff hereby submits this demand that this action be tried in front of a jury.

DATED: June 18, 2025

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo

Dale K. Galipo

Attorney for Plaintiff